

Obsolete and Outdated FWP Commission
Policies Proposed for Repeal
February 9, 2012

Background

At the June 2011 FWP Commission work session, the commission asked department staff to review existing commission policies and present a recommendation as to which policies should be repealed and which should be retained.

The appropriate department staff reviewed the list of FWP Commission policies adopted between 1941 and 2000, and proposed to the Commission that it repeal the obsolete and outdated policies identified below.

At its January 2012 meeting, the FWP Commission adopted a tentative proposal to repeal the policies identified below and directed the department to solicit public comment on this proposal. The Commission is tentatively scheduled to make a final decision on this proposal at its April 2012 meeting.

A short summary of each policy and an explanation for its proposed repeal is described below.

Obsolete FWP Commission Policies Proposed for Repeal

The Department of Fish, Wildlife and Parks proposes that the FWP Commission repeal the following obsolete policies:

Land Acquisition (1977)

Purpose: To guide the Commission acquisition of fishing access areas, wildlife habitat and access areas and state parks and recreation areas.

Reason: Outdated and some instances replaced by newer policy/rule (Habitat MT, Block management)

Oil and Gas Leasing (1976)

Purpose: To establish a policy of protection of all surface resources essential to the maintenance of fish and wildlife populations affected by leasing, exploration, extraction and transportation of energy resources in Montana.

Reason: Outdated and replaced by ARM 12.5.102

Black Bears (1971)

Purpose: Establish guidelines for handling bear hunting and depredation.

Reason: Replaced by ARM 12.9.102

Artificial Feeding of Game Animals on Commission-Owned Lands (1969)

Purpose: To establish how artificial feeding of game animals will be done on Commission-Owned lands.

Reason: Replaced by ARM 12.9.104 (which is outdated itself)

Big Game Winter Feeding Policy (1985)

Purpose: To avoid feeding big game animals during the winter except in extreme emergencies, and to include contingencies for winter feeding only in management plans in high priority areas in response to special land use circumstances.

Reason: Replaced by ARM 12.9.104 (which is outdated itself)

Natural Resource Development (1969)

Reason: Replaced by ARM 12.5.102, adopted by the FWP Commission in 1996.

Closing Land and Water to Hunting (1969)

Purpose: Require Commission to provide written notification to private landowners and land management agencies when considering closing land or waters to hunting.

Reason: Outdated and obsolete

Allow Director to Declare Seasons (1956)

Purpose: Authorize the director to declare special game damage seasons during 1956 and 1957

Reason: Authority expired

Sheep Permit Policy (1957)

Purpose: To provide unlimited permits for ¾ curl rams in Area 201 and to limit hunters to one permit in the area over a ten year period.

Reason: Obsolete and replaced by current season setting process

Big Game Season – Special Post Season Hunts for Game Damage (1964)

Purpose: Establish guidance and direction for game damage hunts

Reason: Replaced by subsequent legislation over multiple sessions and ARM 12.9.801

Policy on Opening Date for Early Seasons (1965)

Purpose: Set uniform early season opening date (September 15) for 1965 hunting season

Reason: Policy expired with end of 1965 hunting season

Turkey Tags (1966)

Purpose: To clarify that a turkey tag may be used in either the spring or fall turkey season

Reason: Replaced by 87-2-403, MCA and seasons authorized by FWP Commission

Season Opening Dates (multiple years)

Purpose: To set a policy for season opening dates for big game hunting

Reason: Temporal policies that expires whenever a change is made by the Commission through the season-setting process

Development of Plans and Regulations to Address River Conflicts (2000)

Purpose: To provide guidance to the department and to advisory committees who are developing management plans or regulations to address recreational use conflicts on rivers related to Commission authority under 87-1-303(2), MCA

Reason: This policy is superseded by the Statewide River Recreation ARM's adopted in 2004 (see ARM 12.11.401 through 12.11.455).

Flathead Grizzly Bear Policy (1980)

Purpose: Guide department actions related to problem grizzly bears of Flathead Reservation

Reason: Outdated

Allow Season Setting Dissenting Recommendations by Field Staff to be Presented to Commission (1958)

Purpose: Ensure that biologists and wardens alike have input in the season setting process and to attempt to reach agreement at the district level. If agreement can't be reached then dissenting recommendations are forwarded to district supervisor, director and commissioners

Reason: Obsolete and replaced by current season-setting process